

**ARIZONA SUPREME COURT
COMMISSION ON MINORITIES IN THE JUDICIARY (COM)
MINUTES**

Thursday, January 19, 2012
1:00 pm – 3:00 pm
Arizona State Courts Building – Room 230
Phoenix, Arizona

MEMBERS PRESENT:

Honorable Roxanne Song Ong, Chair
Mike Baumstark
Jesus Diaz
Patricia Ferguson-Bohnee
Arthur L. Wilkerson
Marian Zapata-Rossa

PRESENT TELEPHONICALLY:

Honorable Maria Avilez
Paul Bennett
Honorable Peter Eckerstrom
Niccole L. King
Bob Allen Kirk
Honorable Leslie Miller
Honorable Dan Slayton

MEMBERS ABSENT:

Diandra Benally
Joi Hollis
Honorable Mitchell D.K. Kalauli
Kendall Rhyne
Honorable Alma Vildosola
Honorable Penny L. Willrich (Ret)

STAFF:

Susan Pickard, Court Services Division, AOC
Annette Mariani, Court Services Division, AOC

GUEST(S):

Theresa Barrett, Court Programs Unit, AOC
Sandra Acosta, Arizona Department of
Juvenile Corrections
Charles Flanagan, Director, Arizona
Department of Juvenile Corrections
Angie Flerchinger, JDAI, Coordinator, Juvenile
Justice Services Division, AOC
Lou Goodman, Arizona Department of
Juvenile Corrections
Carrin Huff, Court Services Division, AOC
David Withey, Chief Counsel, AOC

REGULAR BUSINESS

1. Call to Order:

Honorable Roxanne Song Ong called the meeting to order with a quorum present.

2. Welcome, Introductions:

Commission members present and on the telephone introduced themselves. This was the first meeting for Marian Zapata-Rossa. Ms. Zapata-Rossa is an attorney at Quarles & Brady, LLP in Phoenix, Arizona. All members were welcomed and encouraged to review the charges and projects of the workgroups and to select one of interest to them.

BUSINESS ITEMS/POTENTIAL ACTION ITEMS

3. Juvenile Reform – Ms. Angie Flerchinger, JDAI Coordinator, juvenile Justice Services Division and Mr. Jesus Diaz, Pima County Juvenile Court Center

Ms. Flerchinger and Mr. Diaz presented a joint presentation of the Report Card and the Juvenile Detention Alternatives Initiative (Juvenile Justice Services Division, AOC). Information on what the initiative is, where the initiative is at this present time and what the next steps are within this initiative. Many of the strategic goals within this initiative are consistent with the work of the commission. Discussion:

- ✓ The initiative is in partnership with the Annie E. Casey Foundation – a foundation committed to working with underprivileged youth.
- ✓ There are 14 county-operated detention centers with four expansion sites added: Gila, Cochise, Pinal and Maricopa. The leadership in these counties expressed an earnest interest in being part of this initiative. These counties represent over 61% of the juveniles referred in the state of Arizona.
- ✓ The initiative is not focused on “not” using detention or “not” detaining youth, it is focused more on having the right kids in the right place with the right intervention, along with improving conditions of confinement
- ✓ JDAI is seen as a way to re-define and a re-affirm the principles of juvenile justice
- ✓ This Initiative is results-based consistent with current best practices based on studies and data analysis, the right performance measures.
- ✓ The initiative looks at minimizing failures to appear and incidences of delinquent behavior.
- ✓ JDAI is driven by objective data which helps to examine current policies and practices.
- ✓ One of the major components of this initiative is looking at both over and under representation of youth of color in the juvenile justice system especially in detention centers.
- ✓ There are currently over 155 jurisdictions that are involved with JDAI in 35 states. It has been noted that crime rates have dropped in these jurisdictions.
- ✓ The second part of the definition of the purpose of detention (“the protection of the juvenile or the community pending court disposition or as a condition of probation”) is where this initiative focuses on.
- ✓ David Byers, Director, Administrative Office of the Courts, AOC, formalized the requirements for Implementation of Risk Assessment Instrument (RAI) in Detention in April 2011. This screening tool is now currently being developed in each county or the county is using one. This instrument must be objective and track race, ethnicity and gender and must be validated.
- ✓ Localized initiatives are different for each county

- ✓ When data from the counties are analyzed, they are asked to look at their numbers, accept the data for what it is, look beyond the numbers in order to find practices that need to be addressed
- ✓ Next Steps and Progress:
 - Presentations were given to each of the expansion sites and to stakeholders,
 - a statewide oversight committee has been developed; and
 - A JDAI Kick-Off/Fundamentals training is scheduled for February 6th and 7th, 2012. The Chief Justice has endorsed this event and will be providing opening remarks.

Comment: Thanks to Jesus Diaz for all his work within Pima County in helping pave the path in this very important work which our Chief Justice and the AOC standing behind this 100%.

4. Approval of Minutes

Having reached a quorum, the minutes were reviewed for approval.

Motion: To approve the minutes of the September 29, 2011 meeting as written. The motion was seconded and approved. COM-012-01

5. Arizona Department of Juvenile Corrections (ADJC) – A New Direction, Charles Flanagan, Director, ADJC

Mr. Flanagan presented information on the ADJC's new direction around the state:

- ✓ Mr. Flanagan introduced two staff members for ADJC - Mr. Lou Goodman, who oversees cultural change and re-entry strategies and Ms. Sandra Acosta who is in charge of the community corrections. In addition, He also recognized Mr. Art Wilkerson for his contribution over the years to the ADJC and Mr. Jesus Diaz for all his work within the Pima County.
- ✓ Mr. Flanagan has spent over 26 years in correction in the state of Arizona. He has served as Deputy Director for the Department of Corrections and has been recently appointed by Governor Brewer to serve as Director of Juvenile Corrections.
- ✓ Presently, the ADJC has been the only state agency that has reduced its funding. Prior to this, funding had drastically been cut for 4 years. Even though the agency was meeting the 12:1 ratio that the federal government required, the issues that contributed to these cuts included not having resources where they needed to be, having many significant vacancies in the correctional staff, and having monies ex-appropriated from the community corrections budget to support and subsidize Catalina Mountain School and central office.
- ✓ Mr. Flanagan's tasks included looking at cost and performance issues and finding new ways to improve services and outcomes. The indirect cost for operating juvenile corrections had gone up which in turn elevated the cost of services provided. To help with this, downsizing and shifting positions at the central office continues to take place and a consolidated site was established. As a result of these changes the ratio of direct care has improved: 8:1.
- ✓ ADJC's focus:
 - Helping youth in demonstrating the competencies they have developed in order to improve their ability for transition into the outside world;
 - Career technical education after high school;

- Job skills (which reduces recidivism up to 50%);
 - An RFP focusing on a teacher-supported online charter school program;
 - Partnerships between probation and parole (detention centers, courthouses and counties);
 - Supervision in the communities;
 - Technology – provide distance visitation through video
 - Family educational programming
- ✓ Mr. Flanagan shared the information on the printed materials disseminated at the meeting to include an overview of program and monthly statistical report card.

6. **Arizona State, Tribal and Federal Court Forum - David Withey, AOC Chief Counsel**

Mr. Withey shared information about the Forum and discussed projects of possible collaboration as there is a need for improvement in the following areas in specific on a local level:

Opportunities for Local State and Tribal Court Cooperation

1. Enforcement of tribal court involuntary commitment orders – statute, court rules, superior court protocol and CBT
 - a. *At the time there is no facility on the reservation that provides mental health inpatient treatment. In order to get individuals into an off reservation facility, it takes two court systems, tribal and state, to enforce the tribal court order. This is a great need and at present there is a computer based training on how to have both systems work together.*
2. Recognition of tribal court judgments – court rules
 - a. *This is a broad physical set of rules that allows a tribal court order, a judgment to be taken to state court and be enforced concerning someone who is off the reservation so then not subject to jurisdiction of the tribe. Enforcement can then be done through the state court.*
3. Wellness/Drug/Specialty court cross-jurisdictional collaboration – models identified
 - a. *An identified drug court model is Fountain Hills - individuals convicted there can go to the drug court at Ft. McDowell. The idea of having wellness courts is consistent with culture of the tribes. Most of the tribes have their own wellness courts, some do not. If they do not perhaps they would want to use the state courts.*
4. Probation supervision collaboration
 - a. *Tribal member on probation with state court and supervised on the reservation. How would this work when it's a state official that needs to provide the supervision? There is a meeting planned for the NE part of the state to discussion this type of collaboration*
5. Indian Child Welfare Act compliance in dependency cases
 - a. *This is more of an issue of compliance by the state court and differences of opinions in regards to this compliance. There are some practical problems with how the system works in terms of providing the opportunity for the tribe to place children in an Indian family. A committee is being formed to address this issue.*
6. Child support order enforcement
 - a. *Are tribal courts honoring the state's child support enforcement orders and what can be done to facilitate?*
7. Enforcement of orders of protection
 - a. *There was a presentation on sexual assault on a reservation that showed a dramatic problem in this area. Orders of protection are a related civil process*

that is available nationally, but how do we make it work on the ground in terms of law enforcement enforcing the orders of one jurisdiction in the other jurisdiction, if it occurs off the reservation?

8. Juvenile Detention

- a. *This is in place with a few tribes, so that state juvenile detention centers can house tribal juveniles as needed for the tribes*

Further Discussion:

- ✓ There is an Apache County cooperation on calling jurors. The Navajo nation was getting help from the Apache County clerk on a juror list – those that would be eligible to serve on the reservation.
- ✓ There is a good record of cooperation in the area of judicial education – tribal judges have attended new judge orientation and judicial college. Since tribal judges handle both general and limited jurisdiction work, they have put in a request for a cost effective way to attend both.
- ✓ The meetings are open to the public with their next meeting taking place at the Salt River Pima Community. The commission was asked if they had an interest in having a joint meeting in April, 20, 2012. This was discussed and it was suggested that perhaps the Collaboration Workgroup would be able to attend this meeting and/or be put on the agenda to present what the commission is doing in terms of our goals for collaboration.
- ✓ An annual committee forum will be putting together an annual program. Commission member Patricia Ferguson-Bohnee expressed interest in this annual event.
- ✓ Encouraging local judges in the area where the meetings take place would present a good opportunity to further the work of the Court Forum.

7. **Coconino County Justice Court Judge Hearings Held on Navajo Nation–The Honorable Dan Slayton**

Judge Dan Slayton reported on the recent justice court hearings held on the Navajo Nation:

This project's goal was to bring Flagstaff Justice Court out to the precinct that the Flagstaff Justice Court encompasses: Tuba City, Tonalea, Leupp, and Cameron. Beginning with Tuba City and working with the county supervisor, Ms. Lena Fowler, court hearings were brought onto the Navajo Nation in order to help individuals in clearing up warrants, assist on payment processes and address issues that lead them to not wanting to come into Flagstaff. The process consisted of:

- ✓ advertising in the Navajo-Hopi newspaper that Flagstaff Justice Court was going to be on the Navajo Nation affording the opportunity to attend a court hearing to help settle any matter that individuals wanted to address
- ✓ Ms. Fowler then got in touch with the head court manager who pulled files and in turn worked with her assistant to compile a calendar
- ✓ Equipment used: A hand held recorder to record proceedings along with a photo copier was used.
- ✓ Court was held at a public administration building

The result of this effort was that 21 out of the 25 cases were cleared and a service that was needed was given to the community. This was very well received and plans to go to other towns (Leupp) are underway. This was limited to paper charges, civil traffic, and misdemeanor traffic offenses. The purpose was to help clear warrants and not arrest individuals.

The comment was made that this program is a good avenue to help the public to trust the courts and serve the border towns.

A suggestion was made that this would be a great opportunity for the Tohono O'odham Nation in Tucson.

8. Diversity Project Website Demo – Carrin Huff, AOC Court Services Division

Carrin Huff presented a tour of the draft Diversity Project Website:

Commission members present and those that were linked into the WebEx for this meeting was able to view the draft of the Project Judicial Diversity website that is up on the Commission on Minorities Website. Honorable Peter Eckerstrom and the Diversity Workgroup have been working on this project. Judges are working on Frequently Asked Questions for this website.

After review, commission members suggested possible links to be added:

- ✓ Links to non-judicial vacancies
- ✓ State Bar contacts
- ✓ Event calendar
- ✓ Link to law schools
- ✓ Short introduction to the Chief Justice

Cultural Competency – Honorable Penny Willrich (Ret.)

This workgroup will meet to identify their goals and objectives for the coming year.

Diversity Workgroup – Honorable Peter Eckerstrom

This workgroup is moving forward on website enhancements. Brainstorming on a FAQ document was undertaken; however, at this point more content is needed. Commission members were encouraged to submit FAQ's that they feel are needed for this website.

Over-Representation – Jesus Diaz

It was reported that the 4th Arizona Statewide Report Card will be presented to various groups: Juvenile Court Judges, Juvenile Court Directors, Chief Probation Officers, the Association for Public Defenders – Juvenile Section, Juvenile Court Prosecutors, and the Arizona Juvenile Justice Commission. If commission members are aware of a group that would be interested in this information, they were asked to contact Jesus Diaz for follow-up and scheduling with appropriate contacts.

Collaboration and Outreach – Honorable Roxanne Song Ong

There was no update. IT was noted that a new chairperson is needed for this workgroup.

9. NEXT MEETING

The next full commission meeting is scheduled for Thursday, January 19, 2012 at the Arizona Courts Building, Conference Rooms 230 from 1:00 – 4:00 pm.

ACTION ITEMS: Prior to next meeting:

- Send workgroup descriptions to new members
- Send updated roster to all members
- Set up meeting for the Cultural Competency workgroup to discuss goals for new year
- Prepare a presentation for member to illustrate what the Diversity Workgroup has been working on in regards to the website under their development.

Adjourned at 3:17 p.m.

Workgroup	Chairperson	Comments
Cultural Competency	Judge Penny Willrich	This group finalized the definition of cultural competency. A statewide educational broadcast was presented to the court community that dealt with cultural competency and diversity. The program was well received and evaluation noted the need for more such classes.
Diversity	Judge Peter Eckerstrom	The focus of this group has been on putting forth efforts to increase the diversity on court benches statewide. This workgroup works on the Chris Nakamara workshop both in Phoenix and Southern Arizona. This workshop consists of panel members that help with advice on the judicial selection process in regards to diversity. A website aimed at assisting minority bar members in the judicial selection process is in the works.
Over-Representation	Jesus Diaz	This workgroup provides data in the form of a report card that is used by those that are working within the juvenile courts statewide to address the challenges of reducing the incidence of over-representation of youth of color in the juvenile justice system. This group recently produced the Fourth Arizona Statewide Report Card. It is available at: http://www.azcourts.gov/cscommittees/CommissiononMinorities/COMDocuments.aspx

Collaboration and Outreach	TBD	This group is currently seeking a chairperson. Its focus is on reaching out to courts and other government stakeholders to seek ways to establish partnerships with those that have similar goals. This group has worked closely with the State Bar, Law Schools and other minority bar organizations.
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ACTION ITEMS: Staff will send out descriptions of the workgroups to members as well as an updated roster for their further reference.